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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,518	06/19/2003	Michael Castillo	42P15475	8614

8791 7590 10/16/2006

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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,518	<b>Applicant(s)</b> CASTILLO ET AL.	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-20, 24-26 and 30-32 is/are allowed.
- 6) ☒ Claim(s) 1-4, 21-23, 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a first office action in response to application no. 10/600,518 filed on June 19 2006 in which claims 1-32 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 21-23, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaku (US Patent no. 6671408).

Art Unit: 2621

Regarding claims 1, 21 and 27, Kaku discloses the same article, system and method comprising selecting a base frame prior to decompression other frames of the group of frames (See Kaku col. 1, lines 35-44), and providing the decompressed base frame to a display device to display prior to decompressing the other frames of the group of frames (See col. 1, lines 45-47, col. 2, lines 18-27, and col. 4, lines 66-67 and col. 5, lines 1-4). The applicant should note that the "1 frame" in Kaku is the base frame and since each frame is decompressed 1 frame at a time, the group of frame forming the motion image as noted in col. 5, lines 16-19 of Kaku. The applicant should note that the step of suspending the compression in col. 5, line 1 is prior to the decompression.

As per claims 2 and 28, Kaku further discloses switching channel (See Kaku col. 5, lines 31-33).

As per claim 3, to provide the base frame as a result of powering up is considered an inherent feature in any computer system processing such a method as claimed in claim 1.

As per claims 22-23, Kaku further provides a computer system as noted in col. 6, lines 44-46.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaku (US Patent no. 6671408) in view of Ben-David et al. (US Patent Publication no. US 2003/0014748 A1).

Regarding claims 4 and 29, Kaku discloses the same limitations as previously set forth in the rejection of claims 1 and 27.

It is noted that although Kaku provides a base frame from an MPEG and JPEG (See Kaku col. 11, lines 38-46), it is silent about a frame from M-JPEG and satellite base frame.

However, Ben-David provides a base frame from one of a group comprising MPEG, M-JPEG, and a digital satellite (See Ben-David [0085]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Kaku's selection by incorporating Ben-David's proposed base frame from one of a group comprising MPEG, M-JPEG, and a digital satellite. The motivation for performing such a modification in Kaku is to duplicate data line in order to form wider lines that are less sensitive to DCT-based compression.

***Allowable Subject Matter***

5. Claims 5-20, 24-26, and 30-32 are allowed.
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van den Bosch (US Patent no. 6175380) teaches method for randomly accessing stored imagery and a field inspection system employing the same.

Barbanson et al. (US Patent Application Publication no. 2003/0167472 A1) teaches system and method for displaying video streams.

Schumann et al. (US Patent no. 6078328) teaches compressed video graphics system and methodology.

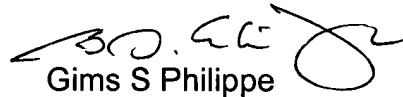
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone

Art Unit: 2621

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

October 11, 2006